

COURT UNITED STATES DISTRICT COURT
COUNTY OF EASTERN DISTRICT OF NEW YORK

CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff(s)

against

ALROSE PEPPERTREE L.L.C., ET AL.,

Defendant(s)

Index No. CV11-1526

AFFIDAVIT OF
SERVICE OF SUMMONS
(AND COMPLAINT)
SEE ATTACHED RIDER

STATE OF NEW YORK, COUNTY OF ALBANY SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at ALBANY, NEW YORK
 That on 5/4/11 at 1:50 P M., at BUILDING 9, W.A. HARRIMAN CAMPUS, ALBANY, NEW YORK deponent served the within summons, *and complaint on* NEW YORK STATE DEPARTMENT OF TAXATION defendant therein named,
 SEE ATTACHED RIDER AND FINANCE
 ATTN: OFFICE OF COUNSEL

INDIVIDUAL 1. by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION 2. a DOMESTIC corporation, by delivering thereto a true copy of *each* to CHRISTINE NORUICI personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON 3. by delivering thereto a true copy of *each* to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC. 4. by affixing a true copy of *each* to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

MAILING TO RESIDENCE USE WITH 3 OR 4 SA. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited

MAILING TO BUSINESS USE WITH 3 OR 4 SB. said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class post paid envelope properly addressed to defendant at defendant's actual place of business, at

DESCRIPTION USE WITH 1, 2, OR 3 in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input checked="" type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21-35 Yrs.	<input checked="" type="checkbox"/> 5'0"-5'3"	<input type="checkbox"/> 100-130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Mustache	<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> 5'4"-5'8"	<input type="checkbox"/> 131-160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9"-6'0"	<input type="checkbox"/> 161-200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input checked="" type="checkbox"/> Over 200 Lbs.

Other identifying features:

USE IN
NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY
SERVICE
I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore *ordinary civilian clothes and no military uniform*. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

5/4/11

RUTH A. DENNEHEY
Notary Public-State of New York
Albany County No. 4729775
Commission Expires 11-30-2014

NOTARY PUBLIC STATE OF NEW YORK
DIANE ALLEN-SWOTA

License No.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CAPITAL ONE, NATIONAL ASSOCIATION

Index No.
CV11-1526

v.

Plaintiffs,

RIDER TO AFFIDAVIT
OF SERVICE

ALROSE PEPPERTREE L.L.C., ET AL.,

Defendants.

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LIST OF DOCUMENTS SERVED:

- SUMMONS IN A CIVIL ACTION
- COMPLAINT FOR FORECLOSURE OF MORTGAGES AND
ENFORCEMENT OF GUARANTY
- NOTICE OF PENDENCY OF FORECLOSURE ACTION
- CIVIL COVER SHEET